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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,612	02/19/2002	Patrick W. Bixenman	68.0127CNT1	6158

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Schlumberger Technology Corporation  
Schlumberger Reservoir Completions  
14910 Airline Road  
P.O. Box 1590  
Rosharon, TX 77583-1590

EXAMINER

DOUGHERTY, JENNIFER R

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/078,612

Applicant(s)

BIXENMAN ET AL. 

Examiner

Jennifer R. Dougherty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 2, 4, 6, 9, 10, 12, 13, 15-21, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Brockman (US 6,505,682).

The invention of Brockman teaches all the limitations of claims 1, 9, 18, 20, and 27 including: a screen (30), an intelligent completion device in the screen (38), a control line (164), a service string (40), and the method of use (abstract; figure 10; column 4, lines 44-54).

With respect to the dependent claims Brockman also teaches: a sensor (column 5, line 14)-claims 2, 10, 19, and 21; a pressure sensor (column 5, line 14)-claims 4 and 12; a ratio sensor (column 5, line 14)-claims 6 and 13; an electric control

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line (164)-claims 15-17; gravel packing (column 4, lines 44-54)-claim 28; and circulation operations (abstract)-claim 29.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 7, 8, and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Brockman (US 6,505,682) alone.

As discussed above, Brockman teaches all the limitations of the claimed invention with the exception of disclosing using the sensor for the variety of claimed uses. All of the types of sensors claimed in claims 3, 5, 7, 8, and 11 are well known in the well arts and, depending on the conditions present in the well, are well known to be used at various times in a well. Thus at the time of the invention it would have been obvious for one having ordinary skill in the art to have used one of the sensors claimed in claims 3, 5, 7, 8, and 11 in place of the sensors described by Brockman to carry out well operations, depending on the conditions in the well.

5. Claims 14 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockman (US 6,505,682) in view of Ross (US 5,964,296).

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As discussed above, Brockman includes all the limitations of claims 14 and 24-26 with the exception of disclosing the fiber optic line. Ross teaches that fiber optic lines are well known in the well arts to be interchangeable with a variety of other sensor control devices (column 6, line 63-column 7, line 14). Thus at the time of the invention it would have been obvious for one having ordinary skill in the art to switch the control means of Brockman with a fiber optic line, because doing do is well known in the art (per Ross).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-21 and 24-29 have been considered but are moot in view of the new ground(s) of rejection.

-It is also noted that applicant has made no arguments with the use of the Ross reference.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dougherty whose telephone number is (703) 308-6365. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The


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fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jrd

December 23, 2003

  
DAVID BAGNELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600